

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2-3, 12-13 and 21-22 are cancelled. Claims 1, 4-11 and 14-20 remain pending in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 4, 10, 14, and 19-20 have been amended solely to have the claims conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1, 4-7, 11 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Utsonomiya (U.S. Patent Application Publication No. 2002/0066113) in view of Yoshida (U.S. Patent Application Publication No. 2004/0160863). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 1 and 11 have each been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., Fig. 10 and page 51 of the specification.

As amended herein, **claim 1** recites:

a recordation control process executing section for executing a selection process to select one of the plurality of information recording means having greatest of available capacities of the information recording means, for executing a data recordation process to at least one of the plurality of information recording means, and for executing a process of generating control information during data reproduction, the control information including reproduction procedure information in which a procedure for reproducing data is stored and reproduction management information in which link

information to the reproduction procedure information, video/audio section data file names, time information, and video/audio header information are stored, [.]

(Emphasis added.) Neither the relied on sections of Utsonomiya, nor the relied on sections of Yoshida disclose or suggest executing a selection process to select one of a plurality of information recording means having greatest of available capacities of the information recording means.

Rather, such sections of Utsonomiya merely describe a control unit which (i) judges that available capacity of a disk is low and that content cannot be recorded on that disk to the end of the content (ii) generates consecutive recording information indicating the recorder/player to which the content will be consecutively recorded to. (See ¶ [0047].) These sections of the reference are not concerned with executing a selection process to select a recorder/player having greatest of available capacities.

The relied on sections of Yoshida do not overcome the shortcomings of the relied on sections of Utsonomiya.

It follows, for at least these reasons, that neither the relied on sections of Utsonomiya nor the relied on sections of Yoshida, whether taken alone or in combination, disclose or suggest the combination set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claim 11 calls for features similar to those set out in the above excerpt of claim 1 and therefore is patentably distinguishable over the relied on sections of Utsonomiya and Yoshida at least for the same reasons.

Claims 4-7 depend from claim 1, and claims 14-17 depend from claim 11. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

Claims 8-10 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Utsonomiya in view of Yoshida and further in view of Koyama (U.S. Patent No. 6,122,010). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 8 and 18 have each been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., Fig. 10 and page 51 of the specification.

As amended herein, **claim 8** recites:

a recordation control process executing section for executing a selection process to select one of the plurality of information recording means having greatest of available capacities of the information recording means, for executing a data recordation process to at least one of the plurality of information recording means, and for executing a process of generating control information during data reproduction[.]

(Emphasis added.)

For at least the reasons set forth above regarding claim 1 neither the relied on sections of Utsonomiya nor the relied on sections of Yoshida disclose or suggest executing a selection process to select one of a plurality of information recording means having greatest of available capacities of the information recording means.

The relied-on sections of Koyama do not overcome the deficiencies of the relied-on sections of Utsonomiya and Yoshida.

Independent **claim 18** calls for features similar to those set out in the above excerpt of claim 8 and therefore is patentably distinguishable over the relied on sections of Utsonomiya, Yoshida and Koyama at least for the same reasons.

Claims 9-10 depend from claim 8, and claims 19-20 depend from claim 18. Therefore, each of the claims is distinguishable over the relied-on art for at least the same reasons.

Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103(a).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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